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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of the
Commission's Rules To
Provide Channel
Exclusivity To Qualified
Private Paging Systems
at 929-930 MHz

PR Docket No. 93-35

To: The Commission

COMMENTS
OF THE
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.

The Industrial Telecommunications Association, Inc. ("ITA"), pursuant to the Federal Communications Commission's Notice of Proposed Rule Making in the above-referenced matter, hereby respectfully submits these Comments responsive to the Commission's proposal to introduce a channel exclusivity option for 929-930 MHz private paging systems.¹

I. PRELIMINARY STATEMENT

1. The Industrial Telecommunications Association, formerly the Special Industrial Radio Service Association, Inc., is a non-profit association organized under the laws of the District of Columbia. ITA is the Commission's certified frequency coordinator for the Special Industrial Radio Service and the Industrial/Land

Transportation 800/900 MHz frequency "pools." ITA also coordinates channels from the general access pool for those entities (a) eligible to become Industrial/Land Transportation licensees, (b) wishing to expand trunked systems, or (c) consolidating conventional systems into a trunked system. ITA coordinates in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate radio stations on frequency assignments allocated to the Special Industrial Radio Service and the enumerated 800/900 MHz frequency "pools."

2. ITA enjoys the support of a membership that includes more than 9,000 licensed two-way land mobile radio communications users and the following trade associations:

- Alliance of Motion Picture and Television Producers
- American Mining Congress
- Associated Builders & Contractors, Inc.
- Florida Citrus Processors Association
- Florida Fruit & Vegetable Association
- National Aggregates Association
- National Agricultural Aviation Association
- National Food Processors Association
- National Propane Gas Association
- National Ready-Mixed Concrete Association
- National Utility Contractors Association
- New England Fuel Institute
- United States Telephone Association

II. BACKGROUND

3. In this proceeding, the Commission has proposed a system for incorporating channel exclusivity into the assignment process for the 929-930 MHz private paging frequencies. In conjunction

with the channel exclusivity proposal, the Commission has also proposed to allow applicants to obtain frequency coordination from any of the three recognized 800/900 MHz frequency coordinators, ITA, NABER, or APCO.

III. COMMENTS

A. Introduction of Exclusive Channel Assignments

4. ITA fully supports the Commission's proposal to provide a channel exclusivity option for the 929-930 MHz private paging channels.² ITA believes that, under the appropriate circumstances, channel exclusivity provides an incentive for more innovative and intensive use of the assigned spectrum. Further, ITA supports the Commission's proposal to require six paging transmitters within a given market as the threshold for obtaining exclusivity.

² Consistent with the Commission's proposal, ITA favors making the channel exclusivity option available to licensees of both "commercial" and "non-commercial" systems at 929-930 MHz. ITA is concerned, however, with the implications of using the term "private carrier paging" to encompass both commercial and non-commercial systems. See Notice, footnote 2. Section 90.7 of the Commission's rules clearly defines "private carrier" as a communications service provided "to other private services on a commercial basis". [Emphasis added.] This distinction ought not to be blurred. ITA urges the Commission to limit use of the term "private carrier paging" to its traditional meaning, as reflected in the Part 90 definition of "private carrier".

B. Coordination of 929-930 MHz Applications

~~negative~~ ~~coordination~~ ~~unrelated~~ ~~unrelated~~ ~~insensitive~~ ~~for~~ ~~the~~

C. Co-Channel Separation Standard

7. ITA supports the Commission's proposal to base the separation between co-channel transmitters on actual antenna height and transmitter power. ITA agrees that the variable antenna height/ERP table reflected in the proposed Section 90.495 is a useful approach to ensuring adequate co-channel separation.⁴

D. Assignment of Paging Channels on a Nationwide Basis

8. ITA recognizes the Commission's interest in permitting nationwide licensees a wide latitude to use their assigned frequency without the need to coordinate around local systems licensed on the same frequency. However, ITA is concerned that the Commission's proposal does not provide sufficient flexibility to accommodate the needs of local users in situations where the paging frequencies are intensively used. As discussed below, ITA recommends one adjustment that it believes will build in additional flexibility into the Commission's proposal.

⁴ In other contexts, ITA has noted that separation tables are an inadequate substitute for actual computation of the relevant 800 MHz and 900 MHz service/interference contours. See letter from Mark E. Crosby, ITA President and Managing Director, to Ralph A. Haller dated April 15, 1993. However, in the case of 929-930 MHz paging systems, ITA believes that use of a separation table is entirely appropriate. The paging systems under consideration are one-way and generally digital. In ITA's view, these factors, combined with the fact that many paging systems employ multiple transmitter sites, raise different considerations than do regular two-way 800/900 MHz systems.

9. ITA urges the Commission to provide an option whereby applicants for local systems could use a frequency assigned to a nationwide licensee under limited circumstances. Specifically, ITA recommends that the Commission modify its proposal to provide that:

- a. A nationwide licensee will be entitled to assignment of its designated paging channel in any area where the channel has not previously been assigned to another licensee;
- b. Once a nationwide licensee's applicable construction period (typically three years for a "slow growth" system) has passed, other applicants may be licensed to use the nationwide licensee's designated channel in areas where the channel is not being used, provided that (1) there are no other suitable 929-930 MHz paging channels available, and (2) the Section 90.495 separation criteria are satisfied with respect to the nationwide licensee's established stations.

10. The Commission has successfully employed a similar "last resort" approach in the case of conventional 800 MHz frequencies.⁵ ITA believes it would be appropriate to use this approach in the case of nationwide assignments, simply to ensure that the designated nationwide channels can be used to accommodate local

⁵ See letter from Ralph A. Haller to Richard Dunn, Senior Manager for Federal Express Corporation, dated January 27, 1993.

requirements in situations where no other frequencies are available. There are only forty paging channels available in the band. ITA believes that its "last resort" proposal will help to promote more intensive use of these channels in markets where the frequencies are used heavily.

E. Limitation on Number of Assigned Channels

11. The Commission proposes to limit applicants to one frequency at a time at any location. ITA supports this limit. ITA agrees with the Commission's view that restrictions are necessary to prevent paging operators from attempting to apply for multiple frequencies in an effort to stifle entry by other licensees.

IV. CONCLUSION

12. ITA supports the Commission's proposals in this proceeding. ITA agrees with the Commission's efforts to provide a option under which licensees can obtain exclusive use of their frequencies. ITA also strongly supports the Commission's proposal to permit competitive frequency coordination of the 929-930 MHz paging channels. Competitive coordination will ensure that applicants receive the best possible service from the recognized coordinators.

13. Additionally, ITA supports use of the co-channel separation table which the Commission has proposed. ITA does, however, recommend that the Commission adopt procedures to permit the use of nationwide channels by other licensees as a "last resort". Finally, ITA supports the Commission's proposal to restrict paging applicants to one frequency at a time at any location.

WHEREFORE, THE PREMISES CONSIDERED, the Industrial Telecommunications Association, Inc. respectfully submits these Comments and urges the Federal Communications Commission to act in accordance with the views expressed herein.

**INDUSTRIAL TELECOMMUNICATIONS
ASSOCIATION, INC.**

By: 

Mark E. Crosby, President
and Managing Director

By: 

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Dated: May 6, 1993